IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Municipal Board Sawai Madhopur Vs. Shri Laxmi Chand & Others
(SB Civil Writ Petition No.5999/1994)

SB Civil Writ Petition under Article
226 & 227 of the Constitution of India.

Date of order: November 20, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. P. C. Jain, for the petitioner.

Mr. R.D.Rastogi, for respondents.

BY THE COURT:

Prayer of the petitioner, in the instant writ petition, is as under:-

(i) to quash and set aside the impugned judgment dated December 31, 1993 of Board of Revenue;
(ii) to declare that the land in dispute belongs to the petitioner Board in its ownership;
(iii) to award the cost of writ petition.

2. Contextual facts depict that land bearing khasra Nos.998 and 1082 measuring 5 bighas and 4 biswas in village Jatwara Khurd District Sawai Madhopur was purchased by Laxmi Chand from Bhanwari Bai through registered sale deed dated April 28, 1967. The said land was mutated in the name of Laxmi Chand on June 4, 1967. Notified Area Committee Sawai Madhopur (predecessor of Municipal Board Sawai

Madhopur) preferred an appeal against the order of mutation which was allowed on August 30, 1968 and the matter was remanded to Tehsildar Sawai Madhopur. The order was challenged by Laxmi Chand by filing appeal before Revenue Appellate Authority, who vide judgment dated March 18, 1971 allowed the appeal and quashed the order dated August 30, 1968. The matter was remanded and reconsidered at various level. Ultimately the Board of Revenue decided against the petitioner and held that petitioner Municipal Board was neither the owner of the land in question nor ever had possessed it.

3. Having heard rival submissions and on scanning the material on record, I find the mutation got opened in favour of respondent pursuant to registered sale deed, therefore, the courts below have rightly held that petitioner failed to prove its ownership and possession. Concurrent finding of facts arrived at by the courts below cannot be interfered with in supervisory writ jurisdiction. In Sadhana Lodh Vs. National Insurance Co. Ltd. (2003)3 SCC 524, their Lordships of Supreme Court defined the supervisory jurisdiction under Article 227 of the Constitution of India as under:-

> "The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the

decision."

5. Resultantly the writ petition being devoid of merits stands dismissed without any order as to costs.

(Shiv Kumar Sharma),J.

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